

110TH CONGRESS
1ST SESSION

S. 1434

To amend the National Energy Conservation Policy Act to promote the use of energy and water efficiency measures in Federal buildings, to promote energy savings performance contracts and utility energy service contracts, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 21, 2007

Mr. PRYOR (for himself and Mr. BINGAMAN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the National Energy Conservation Policy Act to promote the use of energy and water efficiency measures in Federal buildings, to promote energy savings performance contracts and utility energy service contracts, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Building Re-
5 newal and Energy Savings Act of 2007”.

1 **SEC. 2. USE OF ENERGY AND WATER EFFICIENCY MEAS-**
2 **URES IN FEDERAL BUILDINGS.**

3 Section 543 of the National Energy Conservation
4 Policy Act (42 U.S.C. 8253) is amended by adding at the
5 end the following:

6 “(f) USE OF ENERGY AND WATER EFFICIENCY
7 MEASURES IN FEDERAL BUILDINGS.—

8 “(1) ENERGY AND WATER EVALUATIONS.—Not
9 later than 1 year after the date of enactment of this
10 subsection, and every 3 years thereafter, each Fed-
11 eral agency shall complete a comprehensive energy
12 and water evaluation for—

13 “(A) each building and other facility of the
14 Federal agency that is larger than a minimum
15 size established by the Secretary; and

16 “(B) any other building or other facility of
17 the Federal agency that meets any other cri-
18 teria established by the Secretary.

19 “(2) IMPLEMENTATION OF IDENTIFIED ENERGY
20 AND WATER EFFICIENCY MEASURES.—

21 “(A) IN GENERAL.—Not later than 2 years
22 after the date of enactment of this subsection,
23 and every 3 years thereafter, each Federal
24 agency—

25 “(i) shall fully implement each energy
26 and water-saving measure that the Federal

1 agency identified in the evaluation con-
2 ducted under paragraph (1) that has a 15-
3 year simple payback period; and

4 “(ii) may implement any energy or
5 water-saving measure that the Federal
6 agency identified in the evaluation con-
7 ducted under paragraph (1) that has
8 longer than a 15-year simple payback pe-
9 riod.

10 “(B) PAYBACK PERIOD.—

11 “(i) IN GENERAL.—For the purpose
12 of subparagraph (A), a measure shall be
13 considered to have a 15-year simple pay-
14 back if the quotient obtained under clause
15 (ii) is less than or equal to 15.

16 “(ii) QUOTIENT.—The quotient for a
17 measure shall be obtained by dividing—

18 “(I) the estimated initial imple-
19 mentation cost of the measure (other
20 than financing costs); by

21 “(II) the annual cost savings
22 from the measure.

23 “(C) COST SAVINGS.—For the purpose of
24 subparagraph (B), cost savings shall include net
25 savings in estimated—

1 “(i) energy and water costs;

2 “(ii) operations, maintenance, repair,
3 replacement, and other direct costs; and

4 “(iii) external environmental, health,
5 security, and other costs based on a cost
6 adder, as determined in accordance with
7 the guidelines issued by the Secretary
8 under paragraph (4).

9 “(D) EXCEPTIONS.—The Secretary may
10 modify or make exceptions to the calculation of
11 a 15-year simple payback under this paragraph
12 in the guidelines issued by the Secretary under
13 paragraph (4).

14 “(3) FOLLOW-UP ON IMPLEMENTED MEAS-
15 URES.—For each measure implemented under para-
16 graph (2), each Federal agency shall carry out—

17 “(A) commissioning;

18 “(B) operations, maintenance, and repair;

19 and

20 “(C) measurement and verification of en-
21 ergy and water savings.

22 “(4) GUIDELINES.—

23 “(A) IN GENERAL.—The Secretary shall
24 issue guidelines and necessary criteria that each

1 Federal agency shall follow for implementation
2 of—

3 “(i) paragraph (1) not later than 90
4 days after the date of enactment of this
5 subsection; and

6 “(ii) paragraphs (2) and (3) not later
7 than 180 days after the date of enactment
8 of this subsection.

9 “(B) RELATIONSHIP TO FUNDING
10 SOURCE.—The guidelines issued by the Sec-
11 retary under subparagraph (A) shall be appro-
12 priate and uniform for measures funded with
13 each type of funding made available under
14 paragraph (8).

15 “(5) WEB-BASED CERTIFICATION.—

16 “(A) IN GENERAL.—For each building and
17 other facility that meets the criteria established
18 by the Secretary under paragraph (1), each
19 Federal agency shall use a web-based tracking
20 system to certify compliance with the require-
21 ments for—

22 “(i) energy and water evaluations
23 under paragraph (1);

1 “(ii) implementation of identified en-
2 ergy and water measures under paragraph
3 (2); and

4 “(iii) follow-up on implemented meas-
5 ures under paragraph (3).

6 “(B) DEPLOYMENT.—Not later than 1
7 year after the date of enactment of this sub-
8 section, the Secretary shall deploy the web-
9 based tracking system required under this para-
10 graph in a manner that tracks, at a min-
11 imum—

12 “(i) the covered buildings and other
13 facilities;

14 “(ii) the status of evaluations;

15 “(iii) the identified measures, with es-
16 timated costs and savings;

17 “(iv) the status of implementing the
18 measures;

19 “(v) the measured savings; and

20 “(vi) the persistence of savings.

21 “(C) AVAILABILITY.—

22 “(i) IN GENERAL.—Subject to clause
23 (ii), the Secretary shall make the web-
24 based tracking system required under this
25 paragraph available to Congress, other

1 Federal agencies, and the public through
2 the Internet.

3 “(ii) EXEMPTIONS.—At the request of
4 a Federal agency, the Secretary may ex-
5 empt specific data for specific buildings
6 from disclosure under clause (i) for na-
7 tional security purposes.

8 “(6) BENCHMARKING OF FEDERAL FACILI-
9 TIES.—

10 “(A) IN GENERAL.—Each Federal agency
11 shall enter energy use data for each building
12 and other facility of the Federal agency into a
13 building energy use benchmarking system, such
14 as the Energy Star Portfolio Manager.

15 “(B) SYSTEM AND GUIDANCE.—Not later
16 than 1 year after the date of enactment of this
17 subsection, the Secretary shall—

18 “(i) select or develop the building en-
19 ergy use benchmarking system required
20 under this paragraph for each type of
21 building; and

22 “(ii) issue guidance for use of the sys-
23 tem.

24 “(7) FEDERAL AGENCY SCORECARDS.—

1 “(A) IN GENERAL.—The Director of the
2 Office of Management and Budget shall issue
3 quarterly scorecards for energy management ac-
4 tivities carried out by each Federal agency that
5 includes—

6 “(i) summaries of the status of—

7 “(I) energy and water evalua-
8 tions under paragraph (1);

9 “(II) implementation of identified
10 energy and water measures under
11 paragraph (2); and

12 “(III) follow-up on implemented
13 measures under paragraph (3); and

14 “(ii) any other means of measuring
15 performance that the Director considers
16 appropriate.

17 “(B) AVAILABILITY.—The Director shall
18 make the scorecards required under this para-
19 graph available to Congress, other Federal
20 agencies, and the public through the Internet.

21 “(8) FUNDING.—

22 “(A) AUTHORIZATION OF APPROPRIA-
23 TIONS.—There are authorized to be appro-
24 priated such sums as are necessary to carry out
25 this subsection.

1 “(B) FUNDING OPTIONS.—

2 “(i) IN GENERAL.—To carry out para-
3 graphs (1) through (3), a Federal agency
4 may use any combination of—

5 “(I) appropriated funds made
6 available under subparagraph (A);
7 and

8 “(II) private financing, including
9 financing available through energy
10 savings performance contracts or util-
11 ity energy savings contracts.

12 “(ii) COMBINED FUNDING FOR SAME
13 MEASURE.—A Federal agency may use any
14 combination of appropriated funds and pri-
15 vate financing described in clause (i) to
16 carry out the same measure under this
17 subsection, with proportional allocation for
18 any energy and water savings.

19 “(iii) LACK OF APPROPRIATED
20 FUNDS.—Since measures may be carried
21 out using private financing described in
22 clause (i), a lack of available appropria-
23 tions shall not be considered a sufficient
24 reason for the failure of a Federal agency

1 to comply with paragraphs (1) through
2 (3).”.

3 **SEC. 3. ENERGY SAVINGS PERFORMANCE CONTRACTS.**

4 Section 801 of the National Energy Conservation
5 Policy Act (42 U.S.C. 8287) is amended—

6 (1) in subsection (a)(2)—

7 (A) in subparagraph (D), by inserting “be-
8 ginning on the date of the delivery order” after
9 “25 years”; and

10 (B) by adding at the end the following:

11 “(E) PROMOTION OF CONTRACTS.—In car-
12 rying out this section, a Federal agency shall
13 not—

14 “(i) establish a Federal agency policy
15 that limits the maximum contract term
16 under subparagraph (D) to a period short-
17 er than 25 years; or

18 “(ii) limit the total amount of obliga-
19 tions under energy savings performance
20 contracts or other private financing of en-
21 ergy savings measures.

22 “(F) MEASUREMENT AND VERIFICATION
23 REQUIREMENTS FOR PRIVATE FINANCING.—

24 “(i) IN GENERAL.—The evaluations
25 and savings measurement and verification

1 required under paragraphs (1) and (3) of
2 section 543(f) shall be used by a Federal
3 agency to meet the requirements for—

4 “(I) in the case of energy savings
5 performance contracts, the need for
6 energy audits, calculation of energy
7 savings, and any other evaluation of
8 costs and savings needed to imple-
9 ment the guarantee of savings under
10 this section; and

11 “(II) in the case of utility energy
12 service contracts, needs that are simi-
13 lar to the purposes described in sub-
14 clause (I).

15 “(ii) MODIFICATION OF EXISTING
16 CONTRACTS.—Not later than 180 days
17 after the date of enactment of this sub-
18 paragraph, each Federal agency shall, to
19 the maximum extent practicable, modify
20 any indefinite delivery and indefinite quan-
21 tity energy savings performance contracts,
22 and other indefinite delivery and indefinite
23 quantity contracts using private financing,
24 to conform to the amendments made by

- 1 the Federal Building Renewal and Energy
- 2 Savings Act of 2007.”; and
- 3 (2) by striking subsection (c);

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